

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMANDA JOHNSON,

Plaintiff,

-V-

L'OREAL USA,

Defendant.

18-CV-9786 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court is in receipt of (1) Plaintiff’s request, on behalf of Defendant, that the Court seal Exhibits 3 and 30 to Docket Number 112, Dkt. 122; (2) redacted versions of those exhibits, *id.*, Exhs. 1, 2; and (3) a joint letter from the parties “agree[ing] that” Exhibits 3 and 30 to Docket Number 112 should “remain redacted pending the Court’s determination on L’Oréal’s motion for summary judgment,” Dkt. 123. Although the parties’ consent to keep documents confidential is plainly insufficient to justify sealing, *see United States v. Wells Fargo Bank N.A.*, No. 12 Civ. 7527 (JMF), 2015 WL 3999074, at *4 (S.D.N.Y. June 30, 2015) (collecting cases), the Court understands from Defendant’s March 26, 2021 letter that Defendant believes these are documents are “significantly prejudicial and relate[] to private information about individuals in this action that is sensitive, personal, and potentially embarrassing to the individuals at issue.” Dkt. 119 at 1. And while the parties do not appear to have submitted highlighted versions of their proposed redactions in accordance with Rule 4 of the Court’s Individual Rules and Practices in Civil Cases, the Court has compared Exhibits 3 and 30 to Docket Number 112, filed under seal, with the proposed redactions at Exhibits 1 and 2 to Docket Number 122.¹

¹ The Court advises the parties that, if subsequent applications to make redacted filings are

For substantially the same reasons as discussed in the Court's March 30, 2021 Order addressing the sealing of Exhibit R to Docket Number 116, the Court concludes that the privacy interests of non-parties outweigh the presumption of public access to Exhibits 3 and 30. *See* Dkt. 121 (citing *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995)). And, as with Exhibit R, the Court will only provisionally seal these documents, and will reassess the continued sealing of these documents when considering Defendant's motion for summary judgment. *Id.* The Court further concludes that the proposed redactions are "narrowly tailored" to serve any purported interests and are "essential to preserve higher values." *United States v. Erie Cty.*, 763 F.3d 235, 239 (2d Cir. 2014).

The Clerk of the Court is respectfully directed to terminate the motion pending at Docket Number 122.

SO ORDERED.

Dated: April 14, 2021
New York, New York



JOHN P. CRONAN
United States District Judge

not accompanied with highlighted versions reflecting the proposed redactions, the Court may deny the relief for failing to comply with the Court's Individual Rules.